

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN**

SUSAN R. MCNEILLY, et al.,

Plaintiffs,

v.

SPECTRUM HEALTH SYSTEM, THE  
DEFINED CONTRIBUTION RETIREMENT  
PLAN INVESTMENT COMMITTEE OF  
SPECTRUM HEALTH SYSTEM and JOHN  
DOES 1-30,

Defendants.

CIVIL ACTION NO.: 1:20-cv-00870

Hon. Jane M. Beckering

**PLAINTIFFS' UNOPPOSED MOTION FOR PRELIMINARY APPROVAL OF CLASS  
ACTION SETTLEMENT, PRELIMINARY CERTIFICATION OF SETTLEMENT  
CLASS, APPROVAL OF CLASS NOTICE, APPROVAL OF PLAN OF ALLOCATION,  
AND SCHEDULING OF FAIRNESS HEARING**

Named Plaintiffs Susan R. McNeilly and Carla Martz (collectively “Plaintiffs”), by and through their undersigned counsel on behalf of the Spectrum Health System 403(b) Plan (the “Plan”), respectfully submit this Unopposed Motion for Preliminary Approval of Class Action Settlement Agreement entered into with Defendants<sup>1</sup> (the “Settlement” or “Settlement Agreement”), Preliminary Approval of Class Notice, Approval of Plan of Allocation, and Scheduling of a Fairness Hearing (“Motion for Preliminary Approval”) and respectfully move this Court for an Order granting the relief sought. The grounds for this motion are set forth in Plaintiffs

---

<sup>1</sup> “Defendants” refers, collectively, to Spectrum Health System (“Spectrum”), The Board of Directors of Spectrum (“Board”), The Defined Contribution Retirement Plan Investment Committee (“Committee”), and John Does 1-30.

and their Counsel's declarations and the memorandum of law in support of this motion, which are submitted herewith.

A Proposed Order is submitted herewith.

Dated: March 10, 2023

Respectfully submitted,

**CAPOZZI ADLER, P.C.**

/s/ Mark K. Gyandoh  
Mark K. Gyandoh, Esquire  
(admitted *pro hac vice*)  
312 Old Lancaster Road  
Merion Station, PA 19066  
Tel: (610) 890-0200  
Fax (717) 233-4103  
Email: [markg@capozziadler.com](mailto:markg@capozziadler.com)

**CAPOZZI ADLER, P.C.**

Donald R. Reavey, Esquire  
(admitted *pro hac vice*)  
2933 North Front Street  
Harrisburg, PA 17110  
Tel.: (717) 233-4101  
Fax (717) 233-4103  
Email: [donr@capozziadler.com](mailto:donr@capozziadler.com)

**EDELSON LECHTZIN LLP**

Eric Lechtzin, Esquire  
Marc H. Edelson, Esquire  
411 S. State Street, Suite N-300  
Newtown, PA 18940  
Telephone: (215) 867-2399  
Email: [elechtzin@edelson-law.com](mailto:elechtzin@edelson-law.com)

*Attorneys for Plaintiffs, the Plan  
and the Proposed Class*

**CERTIFICATE OF SERVICE**

I hereby certify that on March 10, 2023 a true and correct copy of the foregoing document was filed with the Court utilizing its ECF system, which will send notice of such filing to all counsel of record.

/s/ Mark K. Gyandoh  
Mark K. Gyandoh